

10/18



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,499	06/14/2001	John W. Mason	56576.000	7773

7590 01/25/2005  
 DeWitt Ross & Stevens SC  
 Suite 401  
 8000 Excelsior Drive  
 Madison, WI 53717

EXAMINER
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NI, SUHAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,499

Applicant(s)

MASON ET AL.

Examiner

Suhan Ni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11, 15-18 and 20-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-6, 22 and 23 is/are allowed.  
6) ☒ Claim(s) 8-11, 15-18 and 20-21, 24-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission for RCE filed on 10/13/2004 has been entered.
2. This communication is responsive to the applicant's amendment filed on 10/13/2004.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 8, 15-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Schweizer* (U. S. Pat. - 4,439,643).

Regarding claims 8 and 15, *Schweizer* discloses a speaker enclosure system, comprising: a backbox (1) having an interior bounded by a peripheral edge; a grill (1') having a crimping edge being crimped about the peripheral edge; a speaker (9) affixed to an interior surface of the grille; and a sound baffle sheet (2) extending across the interior surface of the grille between the peripheral edge and the speaker, wherein the grille rests upon and extending across the peripheral edge whereby the entirety of the backbox is situated above and within the boundaries of the interior surface of the grille (Figs. 1-4) as claimed.

Regarding claims 16-18, *Schweizer* further discloses the speaker enclosure system, wherein the baffle sheets have a speaker opening (Fig. 2) as claimed.

Regarding claim 21, *Schweizer* further discloses the speaker enclosure system, wherein the crimping edge is also crimped about the sound baffle as claimed (Figs. 1-4).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schweizer* (U. S. Pat. - 4,439,643).

Regarding claim 9, *Schweizer* does not clearly teach that the backbox is molded as claimed. Since provided a molded plastic or form enclosure for a speaker system is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide a molded backbox for the speaker enclosure system as an alternate choice, in order to simplify the manufacturing processing and also make the system more durable.

Regarding claim 10, *Schweizer* does not clearly teach that the molded backbox is reinforced by fiberglass as claimed. Since providing reinforcement material for a molded plastic housing is very well know in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any desirable reinforcement material, such as a

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fiberglass mesh for the enclosure or backbox as an alternate choice, in order to make the enclosure more durable, especially under some hazardous environment, such as under high temperature environment.

Regarding claims 11 and 24-25, *Schweizer* does not clearly teach that the molded backbox comprises material and detailed configuration as claimed. Since providing a thermal resistant material for a desirable enclosure or housing is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any suitable thermal resistant material, such as metal or some thermal resistant plastic for the enclosure or backbox as an alternate choice, in order to make the system fully functioning and more durable under high temperature environment.

Regarding claim 20, *Schweizer* does not clearly teach that the backbox has an electrical supply as claimed. Since providing any desirable electrical connecting means for a speaker system is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide suitable electrical connecting means for the speaker of the speaker enclosure system, in order to provide driving power for the speaker to generate sound.

***Allowable Subject Matter***

5. Claims 1-6 and 22-23 are allowed.

***Response to Amendment***

6. Applicant's arguments dated 10/13/2004 have been fully considered, but they are not deemed to be persuasive.

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Regarding independent claims 8 and 15, the applicant argues, "the grill has a crimping edge crimped about the peripheral edge of the backbox, a feature which is not present in *Schweitzer*". The examiner respectfully disagrees with the applicant.

In the cited reference (U. S. Pat. - 4,439,643), *Schweitzer* does clearly show that a grill (1') has a crimping edge (Figs. 6-7) crimped about or pressed together to a peripheral edge (Figs. 6-7) of a backbox (1) as claimed.

### ***Conclusion***

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.129(a) and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.129(a). Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the submission under 37 CFR 1.129(a). See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any response to this final action should be mailed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

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Or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE"), or

(703) 305-9508, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

**Receptionist, Sixth Floor,  
Crystal Park II,  
2121 Crystal Drive,  
Arlington, Virginia 22202**


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. The examiner can normally be reached on Monday through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

SN

January 22, 2005

  
**SUHAN NI**  
**PRIMARY EXAMINER**